

LCQ5: Representativeness and operation of Rural Committees

Following is a question by the Hon Eddie Chu and a reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (March 27):

Question:

The Rural Representative Election Ordinance (Cap. 576) provides that the representatives of specified villages and market towns elected from the rural ordinary elections shall be members of the relevant Rural Committees (RCs), and the executive committee members and other office holders of an RC are to be elected from among its members. In this connection, will the Government inform this Council:

(1) as currently there is no statutory requirement for the articles of association of an RC to be made public, whether the Government has put in place measures to ensure that the electors of Rural Representative Elections understand the articles of association of the relevant RC, and can determine if the electoral arrangements and the conduct of an election to elect the office holders of the RC concerned are consistent with Article 21(a) and (b) of the Hong Kong Bill of Rights set out in Part II of the Hong Kong Bill of Rights Ordinance, as required under section 62(3) of Cap. 576;

(2) whether it will consider enhancing, by making legislative amendments or through other means, the transparency of the operation and accountability of RCs; if so, of the details; if not, the reasons for that; and

(3) whether it will transfer the work on registration of electors for the Rural Representative Elections from the Home Affairs Department to the Registration and Electoral Office, and enhance the interoperability of the registers of electors for the elections in respect of Legislative Council geographical constituencies, District Councils and Rural Representatives, thereby improving the registration rates of electors for Rural Representative Elections; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the three parts of the question is as follows:

(1) and (2) The Government has been striving to work with the Heung Yee Kuk (HYK) on reviewing the arrangements for the elections of Rural Committees (RCs). At present, the 27 RCs in the New Territories are required to hold the elections in accordance with their respective Constitutions. In order to enhance the election proceedings of RCs, the Home Affairs Department (HAD) reached a consensus with HYK and RCs in 2006 after discussion, and drew up

the Model Rules for Rural Committee Elections (the Model Rules). Making reference to the Model Rules, RCs set out the principles and details of the election of Chairmen, Vice-Chairmen, Executive Committee Members and General Assembly Members, as well as the handling of complaints.

Subsequently in 2012, together with HYK, HAD further enhanced the arrangement in relation to the RC elections in the Model Rules, including the general rule, role of District Officers, number of seats, term of office, handling of vacancy in office, voter eligibility, the circumstances a person is disqualified from voting, voter registration, dates for elections, the arrangement of by-elections, nomination procedure, eligibility of candidates, subscribers and seconders, withdrawal of candidature, arrangements for polling and counting of votes, handling of complaints, and questioning of the results of elections, so that the electoral arrangements of RC elections would become closer to statutory elections. All RCs set out in their respective Constitutions that the election proceedings specified therein must conform to the Model Rules.

For the elections of Executive Committee Members, Chairman and Vice-chairmen of RCs, the respective District Officer serve as the Returning Officer (RO) to coordinate the proceedings. Duties of ROs include:

- (i) fixing the date, time and place of elections and formulating the election rules and procedures;
- (ii) monitoring the whole process of elections;
- (iii) compiling and publishing registers of electors, and determining the claims and objections in respect of registers of electors;
- (iv) accepting the notices of intention to stand for an election and nomination papers of candidates and deciding on their validity;
- (v) monitoring the polling activities on polling days;
- (vi) monitoring the process of the counting of the votes;
- (vii) declaring the result of elections;
- (viii) handling complaints relating to the elections and making the determination;
- (ix) accepting and keeping in custody copies of election advertisement and related information/documents, and the Returns and Declarations of Election Expenses and Election Donations submitted by candidates; and
- (x) confirming the result of elections.

ROs will ensure, according to the Model Rules, that the elections are properly and fairly conducted and in compliance with article 21(a) and (b) of the Hong Kong Bill of Rights under Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383).

After the completion of RC and HYK elections in June 2019, HAD will conduct the Rural Election Review Working Group Meeting with HYK with a view to exploring how to improve the arrangements for rural election and ways to further enhance the RC elections in a gradual and orderly manner while respecting the history and traditions of the rural community.

(3) According to the relevant electoral law, the requirements of the voter registration for the rural representative election are different from that for the Legislative Council geographical constituencies and the District

Council constituencies. There is a residency requirement for electors in Resident Representative Election/Kaifong Representative Election. Any persons who wants to register as an elector in these Elections must be a Hong Kong permanent resident and has been a resident of the concerned rural area for the three years immediately before the date of application. A "resident" means a person whose principal residential address is in the rural area. A principal residential address means the address of the dwelling place at which the person resides and which constitutes the person's sole or main home. As for Indigenous Inhabitant Representative Election, so long as a person is an indigenous inhabitant of the concerned village, or a spouse or surviving spouse of an indigenous inhabitant of that Village, he/she can register as an elector, regardless of whether he/she is a Hong Kong permanent resident or whether he/she lives in Hong Kong. As for persons who want to register as electors in a geographical constituency, they must be Hong Kong permanent residents and ordinarily reside in Hong Kong. The registered residential address should be the address of their only or principal residence in Hong Kong, but there is no requirement for the period of residence. There is also no such requirement of the indigenous inhabitant identity.

In view of the difference between the elector eligibility of the two elections, HAD and the Registration and Electoral Office (REO) compile the registers of electors separately. Combining the two registers and implementing automatic registration would result in certain unqualified persons being wrongly registered as electors for the election of rural representatives or geographical constituencies.

In order to maintain the credibility of the voter registration system and improve the accuracy and completeness of the data of the electors, HAD regularly reviews the registered addresses of electors in Rural Representative Election/Kaifong Representative Election with REO and will conduct investigation as and when necessary.